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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,005	03/07/2000	Michael R. Pallesen	INS0006US	1151

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EXAMINER	
NAJARIAN, LENA	
ART UNIT	PAPER NUMBER
3626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/521,005	PALLESEN ET AL.	
	Examiner	Art Unit	
	LENA NAJARIAN	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 March 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12,14-24 and 26-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12,14-24 and 26-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 3/20/08. Claim 37 is newly added. Claims 1-12, 14-24, and 26-37 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-12, 14-24, and 26-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Background of the Invention (pages 1-2 of Applicant's originally filed specification) in view of Kennedy (5,787,453), and further in view of Chlan et al. (US 6,385,642 B1).

(A) Claims 1-12, 14-24, and 26-36 have not been amended and are therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

4. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Background of the Invention (pages 1-2 of Applicant's originally filed

specification) in view of Kennedy (5,787,453), in view of Chlan et al. (US 6,385,642 B1), and in view of Fenton et al. (US 2006/0271414 A1).

(A) Referring to claim 37, Applicant's Background and Kennedy do not expressly disclose: wherein the database interface is further configured to load a new version of the product rate information into the product rate information cache, in response to the product rate information being modified, and wherein loading the new version of the product rate information into the product rate information cache reprograms the expression evaluation routine to use a new product rate expression when determining the product rate.

Chlan discloses updating the cache file responsive to the data received from the user (col. 2, lines 54-58, col. 5, line 21 – col. 6, line 58 and Fig. 1 of Chlan).

Fenton discloses wherein loading the new version of the product rate information into the product rate information database reprograms the expression evaluation routine to use a new product rate expression when determining the product rate (para. 51-56, para. 64, and para. 68 of Fenton).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the aforementioned features of Chlan and Fenton within Applicant's Background of the Invention and Kennedy. The motivation for doing so would have been to prevent inefficient use that can lead to higher costs (col. 2, lines 38-41 & 54-58 of Chlan) and to automatically evaluate the applications (para. 54 of Fenton).

Response to Arguments

5. Applicant's arguments filed 3/20/08 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 3/20/08.

(1) Applicant argues that the cited art fails to teach or suggest the product rate information cache of claim 1. Chlan does not teach or suggest a product rate information cache that stores product rate information, which includes a product rate expression. None of the information is product rate information that includes a product rate expression.

(2) Applicant argues that nothing in Kennedy teaches or suggests that such a programming system -- which is set up for people, not applications, to use -- could be incorporated into an insurance product application like the one described in Applicant's background, nor does modification of the insurance product application to include Kennedy's programming seem possible.

(3) Applicant argues that none of the references cited by the Examiner teach or suggest storing product rate expressions in a database, nor do they suggest an interface for receiving such product rate expressions from a database. Kennedy does not teach or suggest anything about product rate expressions, let alone storing product rate expressions in a database. Similarly, Applicant's Background does not teach or suggest storing product rate expressions in a database.

(4) Applicant argues that nothing in Applicant's Background teaches or suggests anything about the dimensions of the lookup tables. Also, the cited art fails to teach or suggest that at least one multi-dimensional table is indexed by consumer information provided to the client interface.
(5) Applicant argues that the cited art fails to teach or suggest an expression evaluation routine that uses consumer information provided to the client interface to evaluate the at least one token.

(A) As per the first argument: In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).
(B) As per the second argument, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).
(C) As per the third argument, the Examiner respectfully submits that a form of a "product rate expression" is disclosed at page 2, lines 5-12 of the originally filed specification. For example, this paragraph discloses using mathematical expressions to calculate insurance product rates. It is unclear how this is not a

form of a product rate expression. It appears that this is an expression that is used to calculate an insurance product rate, and is thus clearly a form of a "product rate expression." Also, the Examiner respectfully submits that Applicant has failed to provide a specific definition of a product rate expression. As such, the Examiner has given the claim language the broadest interpretation and has applied art accordingly.

Furthermore, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

(D) As per the fourth and fifth arguments, the Examiner respectfully submits that Applicant acknowledges that Kennedy teaches a database having a number of dimensions. Furthermore, a typical SQL database indexes any of the information stored in a database. Kennedy teaches indexing by information (see Fig. 4 and col. 8, lines 16-65 of Kennedy). Kennedy does not expressly teach the specific data (i.e., *consumer* information) recited in claim 3; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack, 703 F.2d 1381, 1385, 217*

USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP . 2106.

In addition, the Examiner respectfully submits that col. 12, lines 4-25 of Kennedy teaches the entering of information for the calculations. As such, it is readily apparent that there is an interface that is used to receive information for evaluation purposes.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LENA NAJARIAN whose telephone number is

(571) 272-7072. The examiner can normally be reached on Monday - Friday, 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, C. Luke Gilligan can be reached on (571) 272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. N./
Examiner, Art Unit 3626
ln
7/11/08

/C Luke Gilligan/
Supervisory Patent Examiner, Art Unit 3626